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SOFER & HAROUN LLP.
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NEW YORK NY 10017

In re Application of
MOLITON et al.

Application No.: 10/589,313

PCT No.: PCT/FR05/50100

Int. Filing Date: 17 February 2005

Priority Date: 18 February 2004

Attorney Docket No.: 979-243

For: AN OPHTHALMIC LENS AND A DISPLAY
INCLUDING SUCH A LENS AND AN OPTICAL IMAGER

DECISION on

PETITION UNDER 37 CFR 1.181

This is a decision on applicant's Petition to Withdraw Holding of Abandonment in the above-identified application, filed in the United States Patent and Trademark Office on 16 July 2008.

On 10 August 2006, within the thirty month period, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing Under 35 U.S.C. 371. On page 3 of the transmittal letter, applicant provided authorization to charge all fees to his deposit account.

Thereafter on 09 July 2008, a Notification of Abandonment was mailed to applicant indicating that the basic national fee was not paid by the expiration of the thirty month period or by 18 August 2006. In accord with 35 U.S.C. 371(c) and 37 CFR 1.495, the international application PCT/FR05/50100 was considered abandoned as to the U.S. national stage.

In the instant petition, Applicant requests a review of the application file and provides a copy of the USPTO itemized postcard receipt. A review of the application file reveals that the transmittal letter authorized the charging of applicant's deposit account to cover the basic national fee and any additional fees which may be required. Applicant provided his deposit account number and his signature. There is no indication in the application file that any attempts to charge the basic national fees were tried or failed for any reason. The basic national fee has been paid and thus, the Notification of Abandonment is hereby vacated.

The Notification of Abandonment (FORM/PCT/DO/EO/909) mailed on 09 July 2008 is hereby VACATED.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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